

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THEODORE MANOS,

Defendant.

8:09CR349

ORDER

This matter is before the Court on defendant's notice of appeal, [Filing No. 94](#). Defendant also filed a motion for reconsideration, [Filing No. 92](#), an emergency motion for clarification, [Filing No. 93](#), and the Clerk of Court filed a copy of an informia pauperis letter, [Filing No. 95](#).

With regard to the motion for reconsideration, the Court finds it should be denied. The Court previously decided this motion, [Filing No. 91](#), concerning modification of the conditions of supervised release. The Court finds no good cause to reconsider that decision.

The emergency motion for clarification, [Filing No. 93](#), is denied. Defendant pleaded guilty to Count I, possession of child pornography, and Count III, forfeiture. Defendant requests that this Court allow him to use a laptop to conduct legal research. By letter dated Wednesday December 12, 2018, defendant's probation officer, Theresa Rerucha, did not deny him the use of a personal internet device. Instead, she determined that he should work through his residential reentry center and discuss with her the boundaries of use of a laptop. She suggested this process would take approximately two

months. The Court has reviewed the plan set forth by Officer Rerucha and finds it is reasonable in this case. Thus, the Court will deny the motion.

Defendant appeals this Court's decision in [Filing No. 91](#). See [Filing No. 94](#). The Clerk of Court has asked this Court to determine if defendant may proceed in forma pauperis. During his trial, defendant was represented by retained counsel. With regard to his 28 U.S.C. § 2255 motion, defendant initially retained by William Gallup. With regard to this motion, defendant has not offered any evidence, an application, a notarized statement, or a trust fund statement showing he is not capable of paying for his appellate filing fee to the Eighth Circuit. In any event, the Court finds his appeal is frivolous and without merit. Accordingly, the Court finds the defendant must pay his filing fee in order to appeal to the Eighth Circuit.

THEREFORE, IT IS ORDERED THAT:

1. Defendant's motion for reconsideration, [Filing No. 92](#) is denied;
2. Defendant's emergency motion, [Filing No. 93](#), is denied; and
3. Defendant is denied in forma pauperis status.

Dated this 14th day of January, 2019.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge